



SOUTH CAROLINA STATE ACCIDENT FUND

2014 Case Law Update

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**Richard A. Hartzell v. Palmetto Collision LLC, and South Carolina
Worker's Compensation Uninsured Employers Fund., Op. No. 5176 (S.C.
App. filed 10/9/13).**

- The Court found that substantial evidence in the record did not support the Appellate Panel's determination that the Claimant provided Claimant with timely notice of his injury and reversed the award of benefits to the Claimant.
- In providing notice to an Employer, a Claimant must notify the Employer that his injury is connected to his employment. Mere notification of *an* injury without any reference to its connection to his employment is insufficient.



Pollack v. Southern Wine & Spirits of America, Op. No. 27285 (S.Ct. filed July 17, 2013).



- Claimant, who was working light duty and was terminated for cause, was NOT entitled to TTD because he was not out of work due to his disability.
- Pursuant to S.C. Code Ann. §42-9-260, an employer is only required to pay TTD when an employee is out of work **due to a work related injury**.
- The Court did not employ a “constructive refusal” analysis.

Nicholson v. S.C. DSS, Op. No. 5171 (Ct. App. filed September 4, 2013)



- Claimant fell while walking on a normal, level, carpeted floor that was free from defect. She testified the friction of her shoe and the carpet caused the fall.
- Court of Appeals found that no special condition or hazard existed on the carpet that caused the fall/injuries.
- The only connection between her fall and employment is that her injury occurred while working in a carpeted area of DSS.
- This is not enough to establish that her injuries arose of her employment.